IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 9TH MARCH 2007 / 18TH PHALGUNA 1928

WP(C).No. 7340 of 2007(W)

PETITIONER:

P.C.SAJUDHEEN, S/O. SAID MUHAMMED,
AGED 36 YEARS, POOLAVEETIL HOUSE,
MANJERI, MALAPPURAM DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENTS:

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1. THE EDAVANNA GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY,
EDAVANNA, MALAPPURAM DISTRICT.

2. THE DISTRICT COLLECTOR,
MALAPPURAM.

3. THE CIRCLE INSPECTOR OF POLICE,
MANJERI POLICE STATION, MALAPPURAM DISTRICT.

BY G.P. SMT.T.B.RAMANI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C.KURIAKOSE, J.

W.P.(C)NO. 7340 of 2007

Dated this 9th day of March, 2007

JUDGMENT

The learned Government Pleader, on instructions, submits that the seizure alleged is correct and that at the time of seizure the petitioner was not having a valid pass. Sri.Babu S.Nair, the learned counsel for the petitioner, submits on the basis of Ext.P1 that Ext.P1 was being carried in the vehicle itself.

2. I do not propose to settle the issue. It is for the 2nd respondent – District Collector to settle the issue. Accordingly, I dispose of the writ petition directing the 2nd respondent to finalize the adjudication proceedings at his earliest and at any rate within four months of receiving a copy of this judgment. In the meanwhile, the lorry bearing registration No.KL-7M 3517 and the load presently under the custody of the 3rd respondent will be released to the petitioner provided the following conditions are complied with by the petitioner;

i). The petitioner remits a sum of Rs.10,000/- by cash with the 2nd respondent and produce the original receipt before the 3rd respondent.

ii). The petitioner files an undertaking in the form of an affidavit agreeing to produce the lorry in good running condition before the 2nd respondent or any other authority as and when directed in that regard.

iii). Once the 3rd respondent notices the original of the receipt and the Photostat copy of the affidavit submitted by the petitioner, the 3rd respondent will forthwith release the lorry to the petitioner. It is further made clear that the release, as directed above, will be subject to the decision which the 2nd respondent takes in adjudication proceedings.

PIUS C.KURIAKOSE
Judge

dpk